

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DANIEL SIMPSON #24062806, §
Plaintiff, §
v. § Case No. 6:23-cv-023-JDK
WALMART INC., et al., §
Defendants. §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Daniel Simpson, a pretrial detainee confined in the Henderson County Jail, proceeding pro se and in forma pauperis, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition of the action.

On October 7, 2024, Judge Love issued a Report recommending Plaintiff's civil rights action be administratively closed until such time that Plaintiff's criminal charges are dismissed or resolved in his favor. Docket No. 25. A copy of the Report was sent to Plaintiff. He did not file any objections.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not file any objections. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 25) as the findings of this Court. It is therefore **ORDERED** that this case is **ADMINISTRATIVLEY CLOSED**. Plaintiff may ask the Court to place the case back on the active docket if and when the criminal charges are resolved in his favor. If Plaintiff is convicted or the criminal charges are finally resolved against him, then the case will be dismissed. The case will also be dismissed if the Court does not hear from Plaintiff within two years from the entry of this Order administratively closing the case.

It is further **ORDERED** that the Clerk of Court is directed not to accept any motions or other documents for filing in this case other than a motion to reopen or other notification of change of status—such as a change of address or notice of

appearance by counsel. Finally, it is **ORDERED** that all pending motions in this case are terminated pending reopening of the case.

So **ORDERED** and **SIGNED** this **15th** day of **January, 2025**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE